



corporation, having an address of P.O. Box 2960, Ridgeland, Mississippi 39158.

4. Upon information and belief, Defendant SkyHawke Technologies, LLC is a Mississippi limited liability corporation, having an address of 274 Commerce Park Drive, Suite M, Ridgeland, Mississippi 39157.

5. Upon information and belief, Defendant SkyHawke/Sky Caddie Family Shares, LLC is a Mississippi limited liability corporation, having an agent for service of process at 700 Old Agency Road, Ridgeland, Mississippi 39157.

6. Upon information and belief, Defendant SkyHawke Technologies UK Ltd is a United Kingdom limited company, having an address of Haddenham Business Park, Units 10 C-E, Haddenham, Buckinghamshire, HP17 8L J, United Kingdom.

7. Upon information and belief, SkyHawke is a taxable entity in Texas, having a taxpayer number: 16409275829.

8. Upon information and belief, Defendants are in the business of designing, manufacturing, and selling golf products, including the SkyCaddie SG products.

9. Upon information and belief, Defendants have transacted and are transacting business in the Eastern District of Texas.

10. Upon information and belief, Defendants sell products to retailers located in the Eastern District of Texas.

11. Upon information and belief, Defendants sell the SkyCaddie SG products in this District.

12. Upon information and belief, Defendants maintain a website located at <http://www.skygolf.com>. This website is an interactive website in that visitors to the site are able to take a tour of Defendants' products, compare various features of Defendants' products, and

purchase Defendants' products. This website also allows users to purchase various levels of membership with Defendants and offers reward incentive points to members.

### **JURISDICTION**

13. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a), in that this action arises under the federal patent statutes, 35 U.S.C. §§ 1 *et seq.*

14. This Court has personal jurisdiction over SkyGolf, at least because SkyGolf knowingly sells its products in this District, including products giving rise to the claim of patent infringement herein.

15. This Court has personal jurisdiction over SkyHawke Technologies, LLC, at least because SkyHawke Technologies, LLC knowingly sells its products in this District, including products giving rise to the claim of patent infringement herein.

16. This Court has personal jurisdiction over SkyHawke/Sky Caddie Family Shares, LLC, at least because SkyHawke/Sky Caddie Family Shares, LLC knowingly sells its products in this District, including products giving rise to the claim of patent infringement herein.

17. This Court has personal jurisdiction over SkyHawke Technologies UK Ltd, at least because SkyHawke Technologies UK Ltd knowingly sells its products in this District, including products giving rise to the claim of patent infringement herein.

18. This Court also has personal jurisdiction because SkyHawke is a taxable Texas entity.

19. The Court's exercise of personal jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice because Defendants have at least minimum contacts with the forum.

20. Venue is proper in this District pursuant to 28 U.S.C. §§ 1391(b)-(c) and/or 1400(b) in that the Defendants reside in this District and have committed acts of infringement in

this District.

**INFRINGEMENT OF U.S. PATENT NO. 5,779,566**

21. On July 14, 1998, U.S. Patent No. 5,779,566 (“the ‘566 patent”, attached as Exhibit A), for a “Handheld Golf Reporting And Statistical Analysis Apparatus And Method,” was duly and lawfully issued, naming Peter S. Wilens as sole inventor.

22. Plaintiff L&H Concepts is the owner by assignment of the ‘566 patent.

23. Defendants have infringed, and are infringing, by way of direct and/or indirect infringement, including by way of contributory infringement and/or inducing others to infringe, one or more claims of the ‘566 patent by their manufacture, use, sale, importation, and/or offer to sell infringing golf products, including, but not limited to, the SkyCaddie SG products. Defendants are liable for their infringement of the ‘566 patent pursuant to 35 U.S.C § 271.

24. Defendants’ acts of infringement have caused damage to L&H Concepts, and L&H Concepts is entitled to recover from Defendants the damages sustained by L&H Concepts as a result of Defendants’ wrongful acts in an amount subject to proof at trial. Defendants’ infringement of L&H Concept’s exclusive rights under the ‘566 patent will continue to damage L&H Concepts, causing irreparable harm for which there is no adequate remedy at law, unless enjoined by this Court.

25. L&H Concepts reserves the right to allege, after discovery, that Defendants’ infringement of the ‘566 patent is willful and deliberate, entitling L&H Concepts to increased damages under 35 U.S.C. § 284 and to attorneys’ fees and costs incurred in prosecuting this action under 35 U.S.C. § 285.

**DEMAND FOR RELIEF**

**WHEREFORE**, Plaintiff L&H Concepts requests entry of a judgment against Defendants granting relief as follows:

- A. Finding Defendants liable to Plaintiff L&H for infringement of the '566 patent;
- B. Awarding Plaintiff L&H Concepts damages adequate to compensate for such infringement, together with prejudgment and post-judgment interest, in an amount according to proof;
- C. Preliminary and permanent injunctive relief restraining defendants, together with any officers, agents, servants, employees, and attorneys, and such other persons in privity from further infringement of the '566 patent, or in the alternative, a post-judgment royalty for post-judgment infringement;
- D. An award to L&H of all attorney fees and costs incurred; and
- E. Granting such other, further and different relief as may be just and equitable on the proofs.

**DEMAND FOR JURY TRIAL**

Plaintiff L&H Concepts hereby demands a trial by jury for all issues so triable.

Dated: March 6, 2013

Respectfully submitted,

By: /s/ Michael R. Rueckheim

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